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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPLICANT(s):	Jussi Kuisma	CONF. NO.	5685
SERIAL NO.:	10/023,447	ART UNIT:	2142
FILING DATE:	12/17/2001	EXAMINER:	Meucci, Michael D.
TITLE:	ARRANGEMENT FOR IMPLEMENTING TRANSMISSION OF MULTIMEDIA MESSAGES		
ATTORNEY DOCKET NO.:	836-010675-US (PAR)		

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
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Alexandria, VA 22313-1450


RESPONSE TO NOTICE OF  
NON-COMPLIANT APPEAL BRIEF

I. INTRODUCTION

This is in Response to the Notice mailed 8 February 2007. The argument section has been corrected as requested.

The Commissioner is hereby authorized to charge any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
\_\_\_\_\_  
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APPLICANT(s): Jussi Kuisma

SERIAL NO.: 10/023,447

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FILING DATE: December 17, 2001

EXAMINER: Meucci,  
Michael D.

TITLE: ARRANGEMENT FOR IMPLEMENTING TRANSMISSION OF  
MULTIMEDIA MESSAGES

ATTORNEY

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**APPELLANTS' BRIEF**

This is an appeal from the final rejection of the claims in the above-identified application. A Notice of Appeal was mailed on March 2, 2006.

**I. REAL PARTY IN INTEREST**

The real party in interest in this Appeal is Nokia Corporation, Espoo, Finland.

## **II. RELATED APPEALS AND INTERFERENCES**

There are no related appeals or interferences regarding this application.

## **III. STATUS OF CLAIMS**

Claims 1-17 are pending in the application.

Claims 1-17 have been finally rejected.

The claims on appeal are 1-17.

## **IV. STATUS OF AMENDMENTS**

The amendments made in response to the Final Office Action dated November 2, 2005 have been entered for purpose of this appeal.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Claim 1 recites a method of transferring a multimedia message in a multimedia messaging system, which comprises a terminal and a multimedia messaging centre, arranged to communicate with each other at least partially wirelessly (Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at

the multimedia messaging centre (Page 6, Lines 28-32). The method comprises transmitting a first message (11) wirelessly from the terminal to the multimedia messaging centre, the first message (11) requesting the multimedia messaging centre to transmit a notification message (12) to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet (Page 7, Lines 4-35; Fig. 1). The first message (11) comprises an option to define a selection criterion so as to limit information to be sent in response to said first message (Page 11, Line 20 - Page 12, Line 3; Fig. 3a).

Claim 8 recites a multimedia messaging centre for transferring a multimedia message in a system, which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly (Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal which has arrived at the multimedia messaging centre (Page 6, Lines 28-32). The multimedia message center comprises means for receiving a first message (11) transmitted by the terminal, the first message (11) requesting the multimedia messaging centre to transmit a notification message (12) to the terminal for multimedia messages addressed to the terminal that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet (Page 7, Lines 4-35 and Page 15, Lines 19-35; Figs. 1 and 6, Ref. Nos. 61-63) and means for determining whether there are multimedia messages, addressed to

the terminal, at the multimedia messaging centre for which the terminal has not received a notification message yet (Page 15, Line 36 - Page 16, line 29; Figs. 1 and 6, Ref. Nos. 64-66).

Claim 9 recites a terminal which is arranged to function in a system that comprises a terminal and a multimedia messaging centre, arranged to communicate with each other, at least partially wirelessly (Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at the multimedia messaging centre (Page 6, Lines 28-32). The terminal comprises means for transmitting a first message (11) wirelessly from the terminal to the multimedia messaging centre, the first message (11) requesting the multimedia messaging centre to transmit a notification message (12) to the terminal for multimedia messages addressed to the terminal that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet (Page 7, Lines 4-35 and Page 14, Line 36 - Page 15, Line 18; Figs. 1 and 6, Ref. Nos. RF, ANT). The first message (11) comprises an option to define a selection criterion so as to limit information to be sent in response to said first message (Page 11, Line 20 - Page 12, Line 3; Fig. 3a).

Claim 10 recites a system for transferring a multimedia message, the system comprising a terminal and a multimedia messaging centre, which are arranged to communicate with each other, at least partially wirelessly (Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia

messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at the multimedia messaging centre (Page 6, Lines 28-32). The system comprises means for transmitting a first message (11), wirelessly from the terminal to the multimedia messaging centre, the first message (11) requesting the multimedia messaging centre to transmit a notification message (12) to the terminal for multimedia messages addressed to the terminal that, have arrived at the multimedia messaging centre, and for which the terminal has not received a notification message yet (Page 7, Lines 4-35 and Page 14, Line 36 - Page 15, Line 18; Figs. 1 and 6, Ref. Nos. RF, ANT). The first message (11) comprises an option to define a selection criterion so as to limit information to be sent in response to said first message (Page 11, Line 20 - Page 12, Line 3; Fig. 3a).

Claim 15 recites a computer program product executable in a multimedia messaging centre for transferring a multimedia message in a system, which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly (Page 14, Lines 35-36 and Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia messages addressed to the terminal and transmit a notification message to the terminal to inform it of a multimedia message addressed to the terminal which has arrived at the multimedia messaging centre (Page 6, Lines 28-32). The computer program product comprises computer readable program code means for causing the multimedia messaging centre to receive and handle a first message (11) transmitted by the terminal, the first message (11) requesting the multimedia

messaging centre to transmit a notification message (12) to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet (Page 16, Lines 2-29, Page 7, Lines 4-35 and Page 15, Lines 19-35; Figs. 1 and 6, Ref. Nos. 61-63) and computer readable program code means for causing the multimedia messaging center to determine whether there are multimedia messages addressed to the terminal at the multimedia messaging centre on which the terminal has not received a notification message yet (Page 16, Lines 2-29, Page 15, Line 36 - Page 16, line 29; Figs. 1 and 6, Ref. Nos. 64-66).

Claim 17 recites a computer program product executable in a terminal which is arranged to function in a system which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly (Page 14, Lines 35-36 and Page 6, Lines 16-27). The multimedia messaging centre being arranged to receive multimedia messages addressed to the terminal and transmit a notification message (12) to the terminal to inform it of a multimedia message addressed to the terminal which has arrived at the multimedia messaging centre (Page 6, Lines 28-32). The computer program product comprises computer readable program code means for causing the terminal to transmit a first message (11) wirelessly from the terminal to the multimedia messaging centre, the first message (11) requesting the multimedia messaging centre to transmit a notification message (12) to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet (Page 15, Lines 2-18, Page 7, Lines 4-35 and Page 14, Line 36 - Page 15,



Line 18) and computer readable program code means for causing the terminal to define a selection criterion in said first message (11) to limit information to be sent in response to said first message (Page 15, Lines 2-18, Page 11, Line 20 - Page 12, Line 3).

#### **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

1. Are claims 1, 3-5, 7-10, 12 and 14-15 unpatentable under 35 U.S.C. 103(a) as being obvious over "3<sup>rd</sup> Generation Partnership Project; Technical Specification Group Terminals; Multimedia Messaging Service (MMS); Functional Description; Stage 2, (3G TS 123.140 version 1.0.0" (hereinafter referred to as "3GPP") in view of Zahariev, U.S. Patent No. 6,035,104?

2. Are claims 2, 11, 13 and 16 unpatentable under 35 U.S.C. 103(a) as being obvious over 3GPP and Zahariev in view of Skladman et al, U.S. Patent No. 6,400,810 (hereinafter "Skladman").

3. Is claim 17 unpatentable under 35 U.S.C. 103(a) as being obvious over 3GPP and Zahariev?

4. Is claim 6 unpatentable under 35 U.S.C. 103(a) as being obvious over 3GPP and Zahariev in view of Short et al., U.S. Patent No. 6,130,892 (hereinafter "Short")?

## VII. ARGUMENT

### 1. Claims 1, 3-5, 7-10, 12, and 14-15

Claim 1 recites transferring a multimedia message in a multimedia messaging system, transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet. The first message of claim 1 comprises an option to define a selection criterion so as to limit information to be sent in response to said first message. This is not disclosed by the combination of 3GPP and Zahariev. The combination of 3GPP and Zahariev fails to disclose or suggest these features.

The Examiner argues that 3GPP discloses transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet at Section 8.3.3, Figure 11 and its corresponding caption (i.e. paragraphs 1 and 2 on page 20). Section 8.3.3 of 2GPP recites:

The MMS query operation is used to retrieve information of the existing multimedia messages in the MMS relay. The query operation retrieves

all the multimedia message notifications from the MMS relay and then allows the user to retrieve the messages.

Figure 11 and its corresponding caption pertain to the query of Section 8.3.3 and disclose that the terminal sends a query to the Relay about messages stored in the server. The Relay sends a request of MM information to the server to which the server responds. The Relay then sends to the terminal notification with message information.

Although 3GPP discloses a query transmitted by the terminal it does not disclose the defined query as claimed in Applicant's claim 1. Claim 1 recites requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet. The generalised query disclosed in 3GPP results in all notifications being sent whether received by the terminal or not (See section 8.3.3, Line 2). There is no disclosure or suggestion in 3GPP of differentiating between notifications the terminal has already received and those it has not received as called for in the defined query of claim 1. Therefore, 3GPP fails to disclose requesting a notification message for multimedia messages that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet as called for in claim 1.

In addition, the Examiner admits that 3GPP does not disclose "wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in

response to said first message." However, the Examiner argues that Zahariev discloses this at column 3, line 64 through column 4, line 14. This passage of Zahariev recites:

The here-presented system provides an ability to selectively filter information based on e-mail, and to notify a subscriber of availability of such selected information, giving the subscriber an option to have the message forwarded either by e-mail or fax to a specific location. For example, if a subscriber expects a document as an attachment by e-mail, but is only interested in comments contained in the copy (body) of the message, he may setup a filter as following: Filter1:Sender=XYZ:Subject=ABC:Attachment=Yes;.

This Filter would tell the filter software to look for matches in this subscriber's incoming mail. Once a message is received that matches the criteria, the subscriber will receive a page that could look like:MsgID=1234, Filter1. The subscriber then can call the Auto Attendant and identify himself with Customer ID and password, upon which he will be prompted to enter the message ID. Next he can select means of delivery, like e-mail or fax, and then enter numbers or addresses, or select one of a limited set of preprogrammed numbers or addresses.

Unlike what is claimed by Applicant, Zahariev is concerned only with e-mail and not multimedia messaging or a multimedia messaging center. The Examiner argues under item 11 of the

Advisory Action dated February 14, 2006 that an e-mail message is a multimedia message "because it may contain text, graphics, video, or attachment files of virtually any type". Applicant disagrees. As defined by Webopedia Computer Dictionary ([www.webopedia.com](http://www.webopedia.com)) the term "multimedia message service" (MMS) is a "store-and-forward method of transmitting graphics, video clips, sound files and short text messages over wireless networks using the WAP protocol.... MMS also supports e-mail addressing, so the device can send e-mails directly to an e-mail address.... MMS, however, is not the same as e-mail. MMS is based on the concept of multimedia messaging. The presentation of the message is coded into the presentation file so that the images, sounds, and text are displayed in a predetermined order as one singular message. MMS does not support attachments as e-mail does" (A copy of the web page print out for this definition is attached hereto under the Evidence Appendix as Appendix A). Webopedia also defines "multimedia" as "the use of computers to present text, graphics, video, animation, and sound in an integrated way" (A copy of the web page print out for this definition is attached hereto under the Evidence Appendix as Appendix B). Thus, the definition of multimedia messaging service clearly indicates that MMS is not the same as email (Webopedia definition of MMS, second paragraph, attached hereto under the Evidence Appendix as Appendix A). Contrary to a multimedia message, e-mails do not display images, text and sound in a predetermined order as a single integrated message, rather they provide media files to a user as separate attachments (Webopedia definition of MMS, second paragraph, attached hereto under the Evidence Appendix as Appendix A).

Furthermore, because Zahariev is not concerned with and does not disclose or suggest multimedia messaging it cannot disclose or suggest requesting the multimedia messaging centre to transmit a notification about a multimedia message that the terminal has not yet been notified about. The Examiner argues that Zahariev discloses this at column 3, line 63 through column 4, line 7. This passage of Zahariev is quoted above and merely discloses giving the "subscriber an option to have the message forwarded either by e-mail or fax to a specified location" (Col. 3, Line 64 to Col. 4, line 1).

In Zahariev the email is first forwarded to the subscriber (Col. 3, lines 49-51). If there is a match between criteria and message characteristics, the system alerts the subscriber using a paging signal. (Col. 3, lines 52-55). The subscriber can then have the e-mail sent to an "alternate mail address". (Col. 3, lines 55-60).

Thus, Zahariev is merely sending a notification about an e-mail that has already been received and delivered to the users primary email address. A user of Zahariev does not send a request for notification as called for in Applicant's claim 1, rather if the e-mail meets certain criteria a notification is automatically sent to the user. Zahariev merely presents the ability to have an email sent to another address, after the user is notified that the email is received and was already delivered to the primary address. The user has to call in to select the means of alternate delivery. (Col. 4, lines 9-14). There is simply no disclosure or suggestion in Zahariev of transmitting a first message requesting a multimedia messaging center to send notification on messages that have arrived at the multimedia

messaging center and for which the terminal has not received a notification message yet as called for in Applicant's claim 1.

Thus, claim 1 is patentable over the combination of 3GPP and Zahariev under 35 U.S.C. §103(a) because 3GPP and Zahariev fails to disclose or suggest requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet and that the first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message as claimed by Applicant.

Claims 8, 9, 10, and 15 are patentable over the combination of 3GPP and Zahariev for reasons similar to those described above with respect to the claim 1. Claims 3-5, 7, 12 and 14 depend from claims 1, 8 and 9 and are patentable at least by reason of their respective dependencies.

In addition, claim 7 recites that it is determined, at the multimedia messaging centre, whether the multimedia messaging centre has multimedia messages, addressed to the terminal, for which the terminal has not received a notification message, by investigating whether the multimedia messaging centre has received an acknowledgement to the notification message from the terminal. The combination of 3GPP and Zahariev fails to disclose this feature.

The Examiner argues that 3GPP discloses this feature at page 20 in Figure 12 and its corresponding caption. Figure 12 and its caption merely disclose that the terminal requests a delivery of

a specific MM from the relay and the relay sends a request to the server to deliver the wanted elements of the MM. When the relay receives the information from the server, it obtains personalised information from the profile and converts the MM if necessary. Then the MM is sent to the terminal and the terminal acknowledges the delivery. There is simply no disclosure in Figure 12 or the corresponding caption of determining if the multimedia messaging centre has multimedia messages for which the terminal has not received notification by investigating whether the multimedia messaging centre has received an acknowledgement to the notification message from the terminal as called for in Applicant's claim 7. Therefore claim 7 is patentable over the combination of 3GPP and Zahariev.

Further, it is respectfully submitted that there is no legal motivation to combine 3GPP with Zahariev. In order to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a), there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. There must also be a reasonable expectation of success, and the reference(s), when combined, must teach or suggest all of the claim limitations. (See M.P.E.P. §2142).

As noted above, the combination of 3GPP and Zahariev does not disclose or suggest all the features of Applicant's claims. In addition, neither 3GPP nor Zahariev provide any suggestion or motivation to be combined or modified as proposed by the Examiner. Applicant's claims are directed to transferring a multimedia message in a multimedia messaging system. Zahariev



does not deal with multimedia messaging, but rather only e-mail and e-mail services. As described above, e-mail differs from multimedia messaging in that e-mail does not display images, text and sound in a predetermined order as a single integrated message, rather they provide media files to a user as separate attachments. Moreover, a multimedia messaging center is not the same as a basic e-mail server. One would not look to combine a teaching related to a multimedia messaging system with a basic e-mail server or system. Nothing in either 3GPP or Zahariev suggests such a combination.

The Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of 3GPP and Zahariev.

Motivation for purposes of 35 U.S.C. §103(a) requires that the reference itself and/or the knowledge generally available to one of skill in the art provide the requisite motivation or suggestion to modify the reference. When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

The passages of Zahariev cited by the Examiner do not relate to requesting a multimedia center to send notifications on messages, whose notifications have not already been sent/received. Rather, these passages of Zahariev, discuss requesting an actual delivery of the email to an alternate location, after the email has already been delivered to one location.

As called for in Applicant's claims, the first message transmitted from the terminal to the multimedia messaging center requests the center to transmit a notification message to the terminal for multimedia messages that have arrived at the center for which the terminal has not received a notification message.

Thus, the Examiner's proposition that Applicants' invention would be obvious as recited in the claims is not supported by the factual contents of 3GPP and Zahariev and a *prima facie* case of obviousness over 3GPP and Zahariev under 35 U.S.C. §103(a) is not established.

Applicant also submits that 3GPP and Zahariev have been combined improperly. References may be combined under 35 U.S.C. §103(a) only if the references are analogous art. In this case 3GPP and Zahariev are not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant is concerned.

While 3GPP relates to multimedia messaging services, Zahariev does not. Zahariev only relates to email and email servers. As described above multimedia messaging and e-mail are not the same as the Examiner suggests. Multimedia messages display images, text and sound in a predetermined order as a single integrated message, whereas e-mails do not.

Zahariev is concerned with delivering an e-mail message to an alternate location. (Col. 3, lines 55-58). Applicant's claims, on the other hand, are directed to transferring a multimedia message in a multimedia messaging system using a notification message.

Thus, Zahariev is not reasonably pertinent to the particular problem with which Applicant was concerned.

Furthermore, neither 3GPP nor Zahariev are concerned with the particular problem addressed by Applicant. The problem addressed by Applicant is focused on the failure of sending or receiving multimedia notifications. 3GPP is only concerned with requesting notifications on the whole content of the multimedia message storage and does not recognize and does not address the failure of sending or receiving notifications while Zahariev does not even address multimedia messaging.

Thus, 3GPP and Zahariev cannot be properly combined for purposes of 35 U.S.C. §103(a).

## 2. Claims 2, 11, 13 and 16

Claims 2, 11, 13 and 16 depend from claims 1, 8 and 15 which are for the reasons described above patentable over the combination of 3GPP and Zahariev. It is submitted that because the combination of 3GPP and Zahariev does not disclose or suggest all the features of claim 1 that the combination of 3GPP, Zahariev and Skladman cannot as well. Therefore, claims 2, 11, 13 and 16 are patentable at least by reason of their respective dependencies.

### 3. Claim 17

Claim 17 recites computer readable program code means for causing the terminal to transmit a first message wirelessly from the terminal to the multimedia messaging centre. The first message requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet. Claim 17 also recites computer readable program code means for causing the terminal to define a selection criterion in said first message to limit information to be sent in response to said first message.

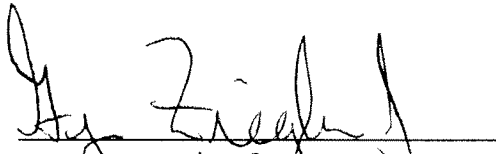
It is submitted that claim 17 is patentable over the combination of 3GPP and Zahariev for reasons substantially similar to those described above with respect to claim 1.

### 4. Claim 6

Claim 6 depends from claim 1 which for the reasons described above is patentable over the combination of 3GPP and Zahariev. It is submitted that because the combination of 3GPP and Zahariev does not disclose or suggest all the features of claim 1 that the combination of 3GPP, Zahariev and Short cannot as well. Thus, claim 6 is patentable at least by reason of its dependency.

The Commissioner is hereby authorized to charge payment for any additional fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
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#### **VIII. CLAIM APPENDIX**

The texts of the claims involved in the appeal are:

1. A method of transferring a multimedia message in a multimedia messaging system, which comprises a terminal and a multimedia messaging centre, arranged to communicate with each other at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at the multimedia messaging centre, wherein the method comprises:

transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet, wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message.

2. A method according to claim 1, wherein said first message requests the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages, addressed to the terminal, that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message transmitted from the multimedia messaging centre.

3. A method according to claim 1, wherein the method further comprises:

receiving the first message transmitted by the terminal at the multimedia messaging centre;

determining at the multimedia messaging centre whether there are multimedia messages addressed to the terminal at the multimedia messaging centre for which the terminal has not received a notification message yet;

transmitting a second message from the multimedia messaging centre to the terminal in response to the first message, the second message containing the notification messages for said multimedia messages for which the terminal has not received a notification message yet.

4. A method according to claim 3, wherein the method further comprises:

receiving the second message at the terminal, which has been transmitted by the multimedia messaging service and contains said notification messages;

transmitting a third message from the terminal to the multimedia messaging centre in response to said second message, the third message indicating to the multimedia messaging centre the terminal's desire to fetch the multimedia message on which a notification message was transmitted to the terminal in said second message.

5. A method according to claim 4, wherein the method further comprises:

receiving the third message transmitted by the terminal at the multimedia messaging centre;

transmitting a fourth message from the multimedia messaging centre to the terminal in response to said third message, the fourth message containing the multimedia message which the terminal desires to fetch as indicated in said third message.

6. A method according to claim 5, wherein the terminal and the multimedia messaging centre comprise a protocol stack and a multimedia application on top of it, and said first, second, third and fourth messages are transmitted at the level of the multimedia application, the messages then being independent of the implementation of the protocol stack below the multimedia application.

7. A method according to claim 3, wherein it is determined, at the multimedia messaging centre, whether the multimedia messaging centre has multimedia messages, addressed to the terminal, for which the terminal has not received a notification message, by investigating whether the multimedia messaging centre has received an acknowledgement to the notification message from the terminal.

8. A multimedia messaging centre for transferring a multimedia message in a system, which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal which has arrived at the multimedia



messaging centre, wherein the multimedia message center comprises:

means for receiving a first message transmitted by the terminal, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet; and

means for determining whether there are multimedia messages, addressed to the terminal, at the multimedia messaging centre for which the terminal has not received a notification message yet.

9. A terminal which is arranged to function in a system that comprises a terminal and a multimedia messaging centre, arranged to communicate with each other, at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at the multimedia messaging centre, wherein the terminal comprises:

means for transmitting a first message wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal that have arrived at the multimedia messaging centre and for which the terminal has not received a notification message yet, wherein said first message comprises

an option to define a selection criterion so as to limit information to be sent in response to said first message.

10. A system for transferring a multimedia message, the system comprising a terminal and a multimedia messaging centre, which are arranged to communicate with each other, at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages, addressed to the terminal, and to transmit a notification message to the terminal to inform the terminal of a multimedia message addressed to the terminal that has arrived at the multimedia messaging centre, wherein the system comprises:

means for transmitting a first message, wirelessly from the terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal for multimedia messages addressed to the terminal that, have arrived at the multimedia messaging centre, and for which the terminal has not received a notification message yet, wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message.

11. A method according to claim 1, wherein the selection criterion defines that notification message(s) for only those multimedia messages for which notification message(s) has not been successfully transmitted are requested.

12. A multimedia messaging centre according to claim 8, wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message, and wherein the multimedia messaging centre

is arranged to select information to be sent in return based on said selection criterion.

13. A multimedia messaging centre according to claim 12, wherein the selection criterion is definable so that said first message requests notification message(s) to be sent concerning only those multimedia messages for which notification message(s) has not been successfully transmitted, and wherein the multimedia messaging centre is arranged to handle and respond to said first message containing the selection criterion defined this way.

14. A terminal according to claim 9, wherein the terminal is arranged to request, with said first message and using said selection criterion, notification messages concerning only those multimedia messages for which notification messages has not been successfully transmitted.

15. A computer program product executable in a multimedia messaging centre for transferring a multimedia message in a system, which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages addressed to the terminal and transmit a notification message to the terminal to inform it of a multimedia message addressed to the terminal which has arrived at the multimedia messaging centre, wherein the computer program product comprises:

computer readable program code means for causing the multimedia messaging centre to receive and handle a first message transmitted by the terminal, the first message

requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet; and

computer readable program code means for causing the multimedia messaging center to determine whether there are multimedia messages addressed to the terminal at the multimedia messaging centre on which the terminal has not received a notification message yet.

16. The computer program product according to claim 15, wherein said first message comprises an option to define a selection criterion so as to limit information to be sent in response to said first message, and wherein the computer program product has computer readable program code means for selecting information to be sent in return based on said selection criterion.

17. A computer program product executable in a terminal which is arranged to function in a system which comprises a terminal and a multimedia messaging centre, which are arranged to communicate with each other at least partially wirelessly, the multimedia messaging centre being arranged to receive multimedia messages addressed to the terminal and transmit a notification message to the terminal to inform it of a multimedia message addressed to the terminal which has arrived at the multimedia messaging centre, wherein the computer program product comprises:

computer readable program code means for causing the terminal to transmit a first message wirelessly from the

terminal to the multimedia messaging centre, the first message requesting the multimedia messaging centre to transmit a notification message to the terminal on multimedia messages addressed to the terminal which have arrived at the multimedia messaging centre and on which the terminal has not received a notification message yet, and

computer readable program code means for causing the terminal to define a selection criterion in said first message to limit information to be sent in response to said first message.

## **IX. EVIDENCE APPENDIX**

1. Appendix A - Webopedia printout of the definition of Multimedia Messaging Service from <http://www.webopedia.com/TERM/M/MMS.html>.

2. Appendix B - Webopedia printout of the definition of Multimedia from <http://www.webopedia.com/TERM/m/multimedia.html>.

## APPENDIX A

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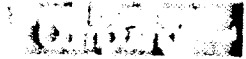
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## MMS

Last modified: Thursday, January 23, 2003

Short for *Multimedia Message Service*, a store-and-forward method of transmitting graphics, video clips, sound files and short text messages over wireless networks using the WAP protocol. Carriers deploy special servers, dubbed MMS Centers (MMSCs) to implement the offerings on their systems. MMS also supports e-mail addressing, so the device can send e-mails directly to an e-mail address. The most common use of MMS is for communication between mobile phones.

MMS, however, is not the same as e-mail. MMS is based on the concept of multimedia messaging. The presentation of the message is coded into the presentation file so that the images, sounds and text are displayed in a predetermined order as one singular message. MMS does not support attachments as e-mail does.

To the end user, MMS is similar to SMS.

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## multimedia

Last modified: Monday, May 17, 2004

The use of computers to present text, graphics, video, animation, and sound in an integrated way. Long touted as the future revolution in computing, multimedia applications were, until the mid-90s, uncommon due to the expensive hardware required. With increases in performance and decreases in price, however, multimedia is now commonplace.

Nearly all PCs are capable of displaying video, though the resolution available depends on the power of the computer's video adapter and CPU.

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